

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1551

By: **McDugle** of the House

and

Jett of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to prisons and reformatories;
12 directing the Pardon and Parole Board to establish a
13 Conviction Integrity Review Unit; stating purpose of
14 the Unit; providing for the employment of an attorney
15 and investigator; stating qualifications; authorizing
16 inmates to submit petitions to review their
17 convictions; specifying requirements for reviewing
18 convictions; authorizing the Unit to initiate certain
19 investigations; directing the Unit to present its
20 findings and recommendations to the Pardon and Parole
21 Board; directing the Unit to provide copies of its
22 report to certain agencies and persons; providing for
23 codification; and providing an effective date.

24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 371 of Title 57, unless there is
created a duplication in numbering, reads as follows:

1 A. The Pardon and Parole Board is hereby authorized to
2 establish a Conviction Integrity Review Unit for purposes of
3 reviewing convictions of those inmates who have received death
4 sentences.

5 B. The Pardon and Parole Board shall employ and fix the duties
6 and compensation of an attorney, who shall be licensed to practice
7 law in this state and who shall have experience in criminal cases.
8 The Pardon and Parole Board shall also employ and fix the duties and
9 compensation of an investigator, who shall be certified by the
10 Council on Law Enforcement Education and Training. The attorney and
11 investigator hired by the Board shall not be a current employee of
12 the Office of the Attorney General or the office of any district
13 attorney in this state.

14 C. Any inmate who has received a sentence of death in this
15 state shall be authorized to submit a petition to the Conviction
16 Integrity Review Unit requesting the review of his or her
17 conviction. The Pardon and Parole Board shall determine the manner
18 and form of the petition requesting review.

19 D. The Conviction Integrity Review Unit shall be authorized to
20 review any capital murder conviction that occurred within this state
21 under the following circumstances:

- 22 1. The inmate received a sentence of death; and
- 23 2. The inmate has presented in his or her petition for review,
24 a plausible claim of actual innocence of the crime which is:

1 a. supported by information or evidence not previously
2 presented, and

3 b. capable of being investigated and resolved; and

4 3. The direct appeal of the inmate has become final, a mandate
5 has been issued and there is no pending litigation relating to the
6 conviction.

7 E. The Conviction Integrity Review Unit shall also be
8 authorized to initiate an investigation to determine whether an
9 inmate was convicted of an offense that he or she did not commit.

10 F. Once an investigation has been completed by the Conviction
11 Integrity Review Unit, the Unit shall present its findings and
12 recommendations to the Pardon and Parole Board. Copies of the
13 report shall also be delivered to the Attorney General, the office
14 of the district attorney that prosecuted the criminal case, the
15 attorney who represented the inmate in the criminal case and the
16 inmate.

17 SECTION 2. This act shall become effective November 1, 2021.

18
19 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
20 dated 03/01/2021 - DO PASS, As Amended and Coauthored.